



**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
LOS ANGELES SESSION  
JUNE 2 and 3, 2009**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, Third Floor, North Tower, Los Angeles, California, on June 2 and 3, 2009.

**TUESDAY, JUNE 2, 2009—2:00 P.M.**

- (1) S148463 People v. Jones (Daniel) (*Baxter, J., not participating; Perluss, P.J., assigned justice pro tempore*)
- (2) S147980 People v. Brookfield (Byron) (*Baxter, J., not participating; Perluss, P.J., assigned justice pro tempore*)
- (3) S159497 People v. Rodriguez (Juan)

**WEDNESDAY, JUNE 3, 2009—9:00 A.M.**

- (4) S147552 Hernandez et al. v. Hillsides, Inc., et al.
- (5) S155242 Christoff v. Nestlé USA, Inc.

**GEORGE**  
\_\_\_\_\_  
*Chief Justice*

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

**SUPREME COURT OF CALIFORNIA  
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The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

**TUESDAY, JUNE 2, 2009—2:00 P.M.**

**(1) *People v. Jones (Daniel)*, S148463 (Baxter, J., not participating; Perluss, P.J., assigned justice pro tempore)**

#07-04 *People v. Jones (Daniel)*, S148463. (F047448; nonpublished opinion; Superior Court of Fresno County; 2671154-3, 1912707-7, 658557-4.) Petition for review after the Court of Appeal remanded for resentencing and otherwise affirmed a judgment of conviction of criminal offenses. This case includes the following issue: Is a violation of Penal Code section 246 for shooting at an inhabited dwelling, which was committed for the benefit of a criminal street gang within the meaning of Penal Code section 186.22, subdivision (b)(4)(B), a “felony punishable by . . . imprisonment in the state prison for life” within the meaning of section 12022.53, subdivision (a)(17), such that sentence can be enhanced under subdivision (c) of section 12022.53 for the defendant’s personal and intentional discharge of a firearm? (See *People v. Jefferson* (1999) 21 Cal.4th 86, 101; *People v. Briceno* (2004) 34 Cal.4th 451, 460, fn. 7.)

**(2) *People v. Brookfield (Byron)*, S147980 (Baxter, J., not participating; Perluss, P.J., assigned justice pro tempore)**

#07-03 *People v. Brookfield (Byron)*, S147980. (F048767; nonpublished opinion; Superior Court of Kern County; BF107031B.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. This case includes the following issue: Is a violation of Penal Code section 246 for shooting at an inhabited dwelling, which was committed for the benefit of a criminal street gang within

the meaning of Penal Code section 186.22, subdivision (b)(4)(B), a “felony punishable by . . . imprisonment in the state prison for life” within the meaning of section 12022.53, subdivision (a)(17), such that sentence can be enhanced under subdivisions (b) and (e) of section 12022.53 for a principal’s personal use of a firearm? (See *People v. Jefferson* (1999) 21 Cal.4th 86, 101; *People v. Briceno* (2004) 34 Cal.4th 451, 460, fn. 7.)

**(3) *People v. Rodriguez (Juan)*, S159497**

#08-51 *People v. Rodriguez (Juan)*, S159497. (B179600; 157 Cal.App.4th 14; Superior Court of Los Angeles County; MA025392.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. This case presents the following issues: (1) Does Penal Code section 654 apply to sentence enhancements that derive from the nature of the offense? (2) Did the trial court err in this case by imposing enhancements for personal use of a firearm (Pen. Code, § 12022.5, subds. (a)) and committing a crime for the benefit of a criminal street gang (Pen. Code, § 186.22, subd. (b))?

**WEDNESDAY, JUNE 3, 2009—9:00 A.M.**

**(4) *Hernandez et al. v. Hillsides, Inc., et al.*, S147552**

#07-02 *Hernandez et al. v. Hillsides, Inc., et al.*, S147552. (B183713; 142 Cal.App.4th 1377; Superior Court of Los Angeles County; GC032633.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: May employees assert a cause of action for invasion of privacy when their employer installed a hidden surveillance camera in the office to investigate whether someone was using an office computer for improper purposes, operated the camera only after normal working hours, and did not actually capture any video of the employees who worked in the office?

**(5) *Christoff v. Nestlé USA, Inc.*, S155242**

#07-432 *Christoff v. Nestlé USA, Inc.*, S155242. (B182880; 152 Cal.App.4th 1439; Superior Court of Los Angeles County; EC036163.) Petition for review after the Court

of Appeal reversed the judgment in a civil action. This case includes the following issues: (1) Does the single publication rule (see Civ. Code, § 3425.3) apply to an action under Civil Code section 3344 for appropriation of likeness? (2) Is the use of a likeness on product labels a “publication” for purposes of the single publication rule? (3) Under what circumstances, if any, would the continuing use of a likeness on product labels and in advertisements marketing a product constitute “republishing” and give rise to a new cause of action? (4) Does the discovery rule apply in an action for appropriation of likeness?